

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. 2:19-cr-41-KS-MTP-001

CHERRI JESSICA COX

ORDER

THIS CAUSE IS BEFORE THE COURT on Motion [87] to Correct Clerical Error Pursuant to Federal Rules of Criminal Procedure Rule 36 filed by Cherri J. Cox (Cox). In her Motion Ms. Cox claims that she was “under the impression the Honorable Judge was sentencing her for all related drug cases arising herein.” She also alleges that the written Judgment conflicts with the Court’s oral pronouncement of the sentence “specifically, the written Judgment fails to state that she will receive credits for the time she served in custody before and after the Federal sentencing.” She further asks that this Court award her credit for time spent in the Forrest County Mississippi jail.

Ms. Cox further states in her pleadings, “On or about June 24, 2020, Defendant was sentenced to 180 months imprisonment by this Honorable Court and Judge Keith Starrett His Honorable, pronounced during the sentencing that Cox is to receive all credit for the time served in custody from her initial arrest in 2018, until her full term with Bureau of Prison” (Doc 87, Paragraph 3). She further states that it was the Court’s intent to credit the 18 months that she had previously served in State prison toward her Federal sentence and also get credit in the County jail.

The Court has gone through the sentencing hearing word for word and finds that the allegations of Ms. Cox as stated above are totally untrue. The Court clearly stated that she was sentenced to 180 months for her offense. She would not get credit for the previous time that she served in State custody to her date of sentencing but that her sentence of 180 months would begin to run the day that her sentence was pronounced which was June 24, 2020, and that her Federal sentence would run concurrently with the balance of her State sentences. The Court is extremely disappointed in Ms. Cox for misquoting the sentencing hearing, and this Court finds that this Motion is without merit and should be DENIED.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion to Correct Clerical Error Pursuant to Federal Rules of Criminal Procedure Rule 36 [87] be, and same is, hereby DENIED.

SO ORDERED this the 1st day of February, 2023.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE